

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

ANTONIO L. FREEMAN,)	
)	
Plaintiff,)	
)	
)	
v.)	Civil No. 3:10-1087
)	Judge Trauger
LAWREN B. LASSITER, SIDNEY V. PRESTON,)	Magistrate Judge Griffin
DAVID R. HOWARD, RANDY P. LUCAS,)	
BOBBY HARRIS and EBEN BATES,)	
)	
Defendants.)	

ORDER


On April 13, 2011, the Magistrate Judge issued a Report and Recommendation (Docket No. 42), to which no timely objections have been filed. The Report and Recommendation is therefore **ACCEPTED** and made the findings of fact and conclusions of law of this court. For the reasons expressed therein, the following are hereby **ORDERED**:

1. The Motion to Dismiss filed by defendant Lassiter (Docket No. 17), the Motion to Dismiss filed by defendant Lucas (Docket No. 19), and the Motion For Summary Judgment filed by defendant Howard (Docket No. 32) are **GRANTED**, and the plaintiff's claims against these three defendants under 42 U.S.C. § 1983 are **DISMISSED WITH PREJUDICE**.
2. The court declines to exercise jurisdiction over the plaintiff's state law claims against defendants Lassiter, Howard and Lucas, and these claims are **DISMISSED WITHOUT PREJUDICE** under 28 U.S.C. § 1367(c).
3. Defendants Lassiter, Howard and Lucas are **DISMISSED** as defendants in this action.
4. Defendants Preston and James are **DISMISSED** from this action without prejudice pursuant to Rule 4(m), FED. R. CIV. P.

This case is **REFERRED** back to the Magistrate Judge for further handling under the original referral Order.

It is so **ORDERED**.

Enter this 25th day of May 2011.



ALETA A. TRAUGER
United States District Judge